

Amendment No. 1 to SB2033

Burchett
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2033*

House Bill No. 1964

by designating the existing amendatory language of §26-1-111 in Section 1 of the bill, as subsection (a) and by adding the following language as new subsections thereto:

(b)

(1) To exercise the benefits of this section, a service member shall, at any time prior to or during deployment, provide a written notice to the holder of the indebtedness stating the following:

(A) The person is a member of the reserve or Tennessee National Guard;

(B) The member has been called to active duty;

(C) A copy of the deployment order is attached; and

(D) The service member shall state the anticipated date of return to the state.

In any action to foreclose or repossess as provided in this section, the holder of the indebtedness is entitled to rely on the anticipated date of return or discharge stated in either the deployment order or in the statement provided in this subdivision (b)(1)(D) when seeking to foreclose or repossess.

(2) At any stage before a final foreclosure sale or a final sale of repossessed property under the Uniform Commercial Code, the sale shall be stayed provided the service member gives notice as provided in Section 202 of the Servicemembers Civil Relief Act codified in 50 USCS Appx. §522.

(c) The provisions of this act shall not apply to a service member who executes a waiver pursuant to Section 107 of the Servicemembers Civil Relief Act.

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.